

Categorical Exclusion Checklist for Non-Construction National Oceanic and Atmospheric Administration Grants

The purpose of this checklist is to assist National Oceanic and Atmospheric Administration's (NOAA) responsible program managers (RPMs) in determining if the grant(s) they are proposing qualifies for categorical exclusion status under NOAA's National Environmental Policy Act (NEPA) guidelines. Normally, NOAA grants qualify for categorical exclusion from NEPA requirements when the environmental effects are minor or negligible. However, as stated in NOAA's guidelines for implementing NEPA (NAO 216-6; http://www.corporateservices.noaa.gov/%7Eames/NAOs/Chap_216/naos_216_6.html) at 5.05.c, under certain conditions, preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required for proposed grants when 1) a grant program is entirely new; 2) under extraordinary circumstances in which normally excluded actions may have a significant environmental impact; or 3) potential impacts associated with the grant are highly controversial. By answering the questions in this checklist, the RPM can determine whether the effects of the grant qualify for categorical exclusion, or require further NEPA documentation in the form of an EA or an EIS. This checklist should be filled out for a grant which is not automatically determined to require an EA or EIS in order to establish compliance with administrative record requirements regarding categorical exclusions (CEs).

1. Identify the NOAA Grant Project and Program: _____
_____.
2. Attach a brief, but specific project description, including: the grant/award recipient, geographical location, and the scope of project(s).

Does the grant involve any Federal permits, or other Federal agency direct involvement, activity, oversight, or funding? Yes () No ()
3. Is this an entirely new NOAA grant program? Yes () No ()
4. Will this NOAA grant establish a precedent or represent a decision in principle about future grant and award actions with potentially significant environmental effects? Yes () No ()
5. Have a number of similar grant actions been considered? Yes () No ()

If yes, although the proposed action's effects may be individually insignificant, will its addition to existing and reasonably foreseeable actions result in cumulatively significant impacts? Yes () No ()
6. Could this NOAA grant have significant effects on public health or safety? Yes () No ()

Will the proposed action:
 - Create high levels of noise for an extended period of time? Yes () No ()
 - Have long or short term aesthetic effects, e.g., visual effects or effects on scenery? Yes () No ()
 - Require large amounts of outdoor lighting or create any unusual odors? Yes () No ()
 - Require large amounts of water or electricity for an extended period or time? Yes () No ()

- Have long or short term effects on the transportation infrastructure, or create a significant increase in local traffic? Yes () No ()

7. Could this NOAA grant have significant adverse impacts on any geographic area(s) with unique characteristics? Areas to consider include coral reefs, marine protected areas, marine sanctuaries, essential fish habitat, historic or cultural resources, park or refuge lands, wild or scenic rivers, wetlands, or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks, or listed or eligible for listing on the National Register of Historic Places. Yes () No ()

Will the proposed action:

- Degrade or disturb coral reefs? Yes () No ()
- Degrade or disturb previously undisturbed areas? Yes () No ()
- Affect any areas such as wetlands and flood plains? Yes () No ()
- Disturb archaeological or historic resources? Yes () No ()

8. Could this NOAA grant have highly uncertain and potentially significant environmental effects or involve unique or unknown risks? Yes () No ()

Will the proposed action:

- Potentially result in the introduction or spread of a nonindigenous species? Yes () No ()
- Involve aquaculture activities that could result in the introduction or spread of invasive or non-indigenous species? Yes () No ()
- Significantly impact water resources such as surface or groundwater? Yes () No ()
- Significantly contribute to water degradation or impairment? Yes () No ()
- Generate large amounts of hazardous waste or any toxic waste? Yes () No ()
- Emit dangerous levels of ionizing or nonionizing radiation? Yes () No ()
- Result (directly or indirectly) in the generation of large amounts of air pollution? Yes () No ()

9. Could this NOAA grant have adverse effects on species listed or proposed to be listed as Endangered or Threatened, or have adverse effects on designated critical habitats? Yes () No ()

10. Will this grant threaten to violate a Federal state, local, or tribal law imposed for the protection of the environment? Yes () No ()

11. Will this NOAA grant have highly controversial environmental effects (i.e., are the effects likely to be subject to serious scientific dispute)? Yes () No ()

IF YES WAS CHECKED FOR ANY OF THE ITEMS ABOVE: Please list the item number, provide additional information about anticipated effects, and contact the NEPA Coordinator at NOAA's Office of Strategic Planning (301-713-1622) as soon as possible to discuss alternatives for providing NEPA documentation.

IF NO WAS CHECKED FOR ALL OF THE ITEMS ABOVE: The grant activity may qualify for a Categorical Exclusion (CE). Please review the categories for CEs below and select the applicable category. If none apply, or if you have any questions about the applicability of the CE, please contact the NEPA Coordinator in the Office of Strategic Planning, (301-713-1622).

| APPLICABLE? YES/NO | CATEGORY | DESCRIPTION |
|-----------------------|--|---|
| | Research NAO 216-6 6.03.c.3(a) | Programs or projects of limited size and magnitude or with only short-term effects on the environment and for which any cumulative effects are negligible. Examples include natural resource inventories and environmental monitoring programs conducted with a variety of gear (satellite and ground based sensors, fish nets, etc.) in water, air, or land environs. Such projects may be conducted in a wide geographic area without need for an environmental document provided related environmental consequences are limited or short-term. |
| | Financial and Planning Grants NAO 216-6 6.03.c.3(b) | Financial support services and programs, such as Federal or state loans or grants, (e.g., Saltsonstall-Kennedy grant, a fishery loan or grant disbursement under the Fishermen's Contingency Fund or Fisheries Obligation Guarantee Program), where the environmental effects are minor or negligible, and no environmental consequences are anticipated beyond those already analyzed in establishing such programs, laws or regulations. New financial support services and programs should undergo an environmental analysis at the time of conception to determine if a CE could apply to subsequent actions. |
| | Minor Project Activities NAO 216-6 6.03.c.3(c) | Projects where the proposal is for a minor amelioration action such as planting dune grass or for minor project changes or minor improvements to an existing site (e.g., fences, roads, picnic facilities, etc.), unless the project's impacts in conjunction with past, present or reasonably foreseeable future actions may result in a significant impact the human environment (40 CFR 1508.7). |
| | Pre-Proposal Actions 40 CFR 1508.23 | Planning actions before a proposal exists do not require NEPA analysis. A "proposal" exists at that stage in the development of an action when a NOAA organization has a goal and begins its decision-making process, including consideration of environmental impacts, toward realization of that goal. |
| | Administrative or Programmatic Functions NAO 216-6 6.03.c.3(d) | <p>The following NOAA programmatic functions that hold no potential for significant environmental impacts qualify for a CE:</p> <ul style="list-style-type: none"> • Program planning and budgeting • Mapping, charting and surveying services • Ship support, ship and aircraft operations • Fishery financial support services • Grants for fishery data collection activities • Basic and applied research and research grants, except as provided in Section 6.03.b of NAO 216-6 • Enforcement operations • Basic environmental services and monitoring, such as weather observations, communications, analyses, and predictions • Environmental satellite services • Environmental data and information services • Air quality observations and analysis • Support of national and international atmospheric and Great Lakes research programs • Executive direction • Administrative services • Administrative support advisory bodies |
| | Regulations Implementing Projects or Plans NAO 216-6 6.03.c.3(i) | Routine operations and routine maintenance, preparation of regulations, Orders, manuals, or other guidance that implement, but do not substantially change these documents, or other guidance; policy directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature, or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case; activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public; actions with short term effects, or actions of limited size or magnitude. |

| APPLICABLE? YES/NO | CATEGORY | DESCRIPTION |
|-----------------------|---|---|
| | Listing Actions Under Sec. 4(a) of ESA NAO 216-6 6.03.e.3 | <p>The following actions may be appropriate for CE:</p> <ul style="list-style-type: none"> • Preparation of recovery plans pursuant to Section 4(f)(1), because such plans are only advisory documents that provide consultative and technical assistance in recovery planning. However, implementation of specific tasks themselves identified in recovery plans may require an EA or EIS depending on the significance of the action (see NAO 216-6 Section 6.03e.2(b) for guidance on NEPA compliance for implementation of recovery actions). • Permits for scientific research or to enhance the propagation or survival of listed species pursuant to Section 10(a)(1)(a) of the ESA (except for permits covered in NAO 6.03e.2(c)). The RPM must also consider the cumulative impact on the listed species from the total amount of permits issued with CEs, and take into account any population shifts with the subject species. • Critical habitat designations where a designation overlaps with listing protections and is unlikely to have a significant effect on the human environment. CEs will not apply for critical habitat designations that include habitat outside the current occupied range of a listed species, the potential for economic and/or other impacts over and above those resulting from the listing exists. • “Low effect” incidental take permits under Section 10(a)(1)(B) of ESA that individually or cumulatively have a minor or negligible effect on the species covered in the habitat conservation plan. |
| | MMPA NAO 216-6 6.03.f.2 | <p>In general, scientific research, enhancement, photography, and public display permits issued under Section 101(a)(1) and 104 of the MMPA, and letters of confirmation for activities conducted under the General Authorization for Scientific Research established under Section 104 of the MMPA qualify for a CE. The RPM must also consider the cumulative impact on the protected species from the total amount of permits issued with CEs, and take into account any population shifts with the subject species. Small take incidental harassment authorizations under Section 101(a)(5)(d), tiered from a programmatic environmental review, are categorically excluded from further review. If such an authorization does not tier from a programmatic environmental review, that action may require an EIS, EA, or CE, based on a case-by-case review.</p> |
| | <p>Restoration Actions NAO 216-6 6.03.b.2</p> <p>NAO 216-6 6.03.b.3</p> | <p>Restoration actions that do not individually or cumulatively have significant impacts on the human environment (e.g., actions with limited degree, geographic extent, and duration) may be eligible for CE (40 CFR 1508.4), provided such actions meet all of the following criteria:</p> <ul style="list-style-type: none"> • Are intended to restore an ecosystem, habitat, biotic community, or population of living resources to a determinable pre-impact condition; • Use for transplant only organisms currently or formerly present at the site or in its immediate vicinity; • Do not require substantial dredging, excavation, or placement of fill; and • Do not involve a significant added risk of human or environmental exposure to toxic or hazardous substances. <p>Examples of restoration actions likely to meet all of the above criteria include:</p> <ul style="list-style-type: none"> • On-site, in-kind restoration actions in response to a specific injury (e.g., revegetation of habitats or topographic features such as restoration of seagrass meadows, salt marshes, or wetland areas; restoration of submerged, riparian intertidal or wetland substrates; replacement or restoration of shellfish beds through transplant or restocking; or structural or biological repair or restoration of coral reefs • Actions to restore historic habitat hydrology, where increased risk of flood or adverse fishery impacts are not significant (e.g., restoration, rehabilitation, or repair of fish passageways or spawning areas; restoration of tidal or non-tidal wetland inundation • Actions to enhance the natural recovery processes of living resources or systems affected by anthropogenic impact (e.g., use of exclusion methods such as fencing to protect stream corridors, riparian areas or other sensitive habitat; actions to stabilize dunes, marsh edges, or other mobile shoreline features |

| APPLICABLE? YES/NO | CATEGORY | DESCRIPTION |
|-----------------------|---|--|
| | Fisheries Management Plans and Plan Amendments NAO 216-6 6.03.d.4 | <p>Fisheries management actions may qualify for a CE pursuant to Section 9.03a.3. of NAO 216-6 if the actions individually and cumulatively do not have the potential to pose significant effect to the quality of the human environment. Actions that may receive a CE include:</p> <ul style="list-style-type: none"> • Ongoing or recurring fisheries actions of a routine administrative nature when the action will not have any impacts not already assessed or the RPM finds they do not have the potential to pose significant effects to the quality of the human environment such as: reallocations of yield within the scope of a previously published fisheries management plan (FMP), or fishery regulation, combining management units in related FMP, and extension or change of the period of effectiveness of an FMP or regulation; and • Minor technical additions, corrections, or changes to an FMP. <p>CE determinations for FMPs and FMP amendments require specific documentation. Refer to NAO 216-6 at 6.03c.3d.4 for further instructions.</p> |